

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION

---

Jasmine Diaz, *on behalf of herself and all  
others similarly situated,*

Court File No. 1:17-CV-12-DLH-CSM

Plaintiff,

v.

**JOINT MOTION FOR SETTLEMENT  
APPROVAL AND DISMISSAL OF  
LAWSUIT**

Dakota Travel Nurse, Inc., and Jamie Fleck,

Defendants.

---

The Parties to this action jointly give notice to the Court that they have resolved this matter pursuant to the terms of the Stipulation of Settlement previously submitted to the Court *in camera*. Consistent with the requirements of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b) and (c), the Parties request the Court’s approval of this settlement of Plaintiff’s claims and dismissal of the case with prejudice.

In support of this Motion, the Parties acknowledge and agree that this settlement involves resolution of *bona fide* disputes of fact and law regarding whether Plaintiff and the FLSA and state law classes were properly owed overtime wages as required by the FLSA and North Dakota state law. The Parties further acknowledge and agree that the Stipulation for Settlement has been reached as a result of good faith negotiations and compromise by the Parties and is a fair and reasonable settlement of the Plaintiff’s claims.

Specifically, the Stipulation for Settlement resolves the claims of Plaintiff and the FLSA opt in class and the North Dakota state law opt out class. The settlement amount agreed to will be distributed on a *pro rata* basis in accordance with the Stipulation of Settlement.

If the Court approves the settlement, then the Parties stipulate to the dismissal of this action with prejudice and jointly move the Court for an Order of Dismissal with Prejudice pursuant to Federal Rule of Civil Procedure 41(a).

WHEREFORE, on the basis of the facts set forth above and in the Stipulation of Settlement, the Parties respectfully request that the Court approve the Settlement.

Respectfully submitted:

Dated: May 18, 2018

/s/ Joseph M. Sokolowski

Joseph M. Sokolowski (MN # 0178366)\*

Ashley R. Thronson (MN # 0395947)\*

**FREDRIKSON & BYRON, P.A.**

200 South Sixth Street, Suite 4000

Minneapolis, MN 55402-1425

Telephone: 612.492.7000

jsokolowski@fredlaw.com

athronson@fredlaw.com

Dated: May 18, 2018

/s/ Kristy L. Albrecht

Kristy L. Albrecht (ND # 05540)

**FREDRIKSON & BYRON, P.A.**

51 Broadway, Suite 400

Fargo, ND 58102-4991

Telephone: 701.237.8200

kalbrecht@fredlaw.com

*\*Admitted to Practice in this Court*

*Attorneys for Defendants*

Dated: May 18, 2018

/s/ Ryan A. Winters

Joseph F. Scott (OH Bar No. 0029780)\*

Ryan A. Winters (OH Bar No. 0086917)\*

Kevin M. McDermott II (OH Bar No. 0090455)\*

**SCOTT & WINTERS LAW FIRM, LLC**

815 Superior Ave. E., Suite 1325

Cleveland, OH 44114

Telephone: 440.498.9100

jscott@ohiowagelawyers.com

rwinters@ohiowagelawyers.com

kmcdermott@ohiowagelawyers.com

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 21, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Joseph M. Sokolowski

Joseph M. Sokolowski

63984127.1